

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

A new dependent claim 7 has been added by amendment herein.

Claims 1-6 were rejected under 35 U.S.C. 112, second paragraph. Claims 1 and 6 have been amended appropriately based on the Examiner's suggestion. Thus, the rejection has been overcome.

Claims 1-6 were further rejected under 35 U.S.C. 103(a) over U.S. Patent No. 146,648 to Bugbee. Applicant's undersigned representative would like to thank the Examiner for granting the telephonic interview conducted on March 12, 2003, in which this rejection was discussed.

Applicant respectfully submits that, regarding claim 1, Bugbee does not disclose or suggest a that magnet retains a locking pin in its locking position, as required. The Examiner has taken "Official notice" that such use of magnets is old and well known in the art. As suggested by the Examiner during the interview, Applicant hereby requests that the Examiner provide evidence supporting the Office notice taken.

Further, it is respectfully submitted that one of ordinary skill in the art would not find a suggestion or motivation in the prior art to modify Bugbee to include a magnet as claimed. The Examiner is respectfully reminded that a perceived benefit from a hindsight combination of references is not the same as a suggestion in the prior art, for the purpose of forming a *prima facie* case of obviousness. "The teaching or suggestion to make the claimed combination . . .

Appl. No. 09/801,250
Amdt. Dated April 15, 2003
Reply to Office action of January 1, 2003

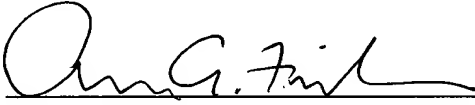
must be found in the prior art and not based on the applicant's disclosure" (emphasis added; see MPEP § 2142, 3rd paragraph, citing: *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33208.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Aaron A. Fishman, Reg. No. 44682

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

Date: April 15, 2003